

October 13, 1998

Memorandum

To: All Regional Directors

From: **(Acting)** Associate Director, Park Operations and Education **(signed Linda Canzanelli)**

Subject: Revision of the Concessioner Risk Management Program

In 1996, a task force was formed composed of concession and safety specialists, to review the existing Concessioner Risk Management Program. Based upon personal experience of the committee members and comments from program staff, the fundamental criticisms of the existing program included:

1. The form, the rating elements, and the scoring system are confusing to concession specialists and collateral duty program managers.
2. The system does not work well for evaluating the smaller concessioners.
3. The rating elements duplicate Occupational Safety and Health Act (OSHA) requirements and sometimes set higher standards.
4. There is no assurance that the existence of a documented program results in actual improvement in staff and visitor safety.
5. The existing program standards are not being uniformly applied.

In addition, senior concession program management identified other critical issues that are not being addressed by any evaluation program, including hazardous materials and waste, insurance requirements, and substance abuse by employees. Senior safety program management requested development of a program with more accountability to address the increased focus by the National Park Service (NPS) on risk management in general. The task force also felt the need to ensure that visitor safety was being addressed along with employee safety. The assumption that attention to staff safety would automatically lead to attention to visitor safety was not adequate.

Evaluations of concessioner programs are being conducted primarily by collateral duty personnel, most of whom have not received training in safety issues. A common concern expressed by these individuals was their discomfort in using the safety evaluation form and scoring system. This seemed to stem from a lack of basic training in safety issues and inadequate instructions for use of the form. For these reasons, the task force felt that a common sense approach would best meet the needs of the concession evaluation program.

The task force developed a form and scoring system similar to those used in the operational performance evaluation program, with simplified and better-defined evaluation elements. Requirements mandated by OSHA were eliminated to reduce duplication and potential double standards. New standards have been written to address visitor and employee safety concerns. The program was designed for use primarily by park concession specialists and collateral duty personnel (both concessions and safety).

Management accountability, commitment of adequate resources, inspections and abatement by concessioners are the major focus of the revised program. Further, the program has evolved to address the next level of participation by concessioners. It not only ensures that concessioners have a written plan, but more importantly, that the plans are being implemented. The program is intended to be more results oriented, rather than merely an administrative exercise. The

Risk Management Program is now given equal weight with public health, operational performance, and contract compliance in the overall annual rating of the concessioner's program. It is hoped that management accountability will translate into awareness of and modification of employee behavior by concessioners.

In order to reduce NPS liability and as recommended by the NPS Safety Manager, the revised program now requires **all** concessioners to develop their own program. Concessioner programs will no longer be part of the park's program.

The task force also developed a "general standard" for risk management and recommended additional safety standards to be included in specific operational standards. These evaluation standards will connect the routine field observation to the concessioner's commitment to carry out its program and to the annual evaluation of the overall program.

This program was pilot tested in 1997 using both large and small concessioners in five park areas. Feedback from these parks and other program personnel demonstrated the user-friendliness of the program, but also revealed an unforeseen rigidity. Additional revisions were made this year to correct that problem.

The program has been designed to reward concessioners, not punish them, and it is meant to be a positive management tool to increase the effectiveness of the concessioner's risk management programs. Because the revised program was pilot tested in only five parks, it has been recommended that during the 1999 visitor season, concessioners be evaluated as outlined in the attached Concessioners Risk Management Program and also by the current program. At the end of the 1999 visitor season, the task force will review the results and revisions, if any, will be made with full servicewide implementation to take effect in January 2000.

#### Attachment

bcc: Peggy Williams, Sequoia & Kings Canyon NP  
Gary Bornholdt, Sequoia & Kings Canyon NP  
Associate Reg. Directors, POPE  
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## **CONCESSION RISK MANAGEMENT PROGRAM**

### **Policy:**

It is the responsibility of all National Park Service Concessioners to provide a safe and healthful environment for all employees and visitors, as outlined in the concession contract. Each concessioner will develop a risk management program which is approved by the superintendent and is in accordance with the Occupational Safety and Health Act (OSHA) and the National Park Service Concession Risk Management Program.

### **A. CONCESSION DOCUMENTED RISK MANAGEMENT PROGRAM**

The concessioner risk management program is intended to prevent accidents or lessen the severity of injury or loss if an accident should occur. It is intended to encourage concessioners to have a proactive safety program. The evaluations should document the positive as well as the negative. The results of the evaluations will serve as a management tool for ensuring that NPS services and facilities are safe.

In preparing a risk management program the existing concession authorization will prevail; however, maintenance and operating plans should be reviewed annually and revised accordingly to assure that the concessioner's responsibilities for risk management are current with NPS requirements.

Each concessioner will develop its own program, and all safety requirements must be adequately addressed for all facilities and services provided. The complexity and detail of the program will be dependent upon the size and complexity of the concessioner's facilities/services. Concessioners are encouraged to request advice and assistance from insurance carriers and others in the development of the risk management program. Parks are encouraged to share the Concession Risk Management Program and standards with concessioners. The park superintendent will review and approve the concessioner's program and advise concessioners in advance as to which performance standards it will be evaluated against.

The concessioner will submit its documented risk management program to the superintendent within the time frame stipulated in the operating plan of the concession contract normally within 90-120 days.

### **B. AUTHORITY HAVING JURISDICTION**

The park superintendent is the authority having jurisdiction.

### **C. ELEMENTS OF THE CONCESSIONER RISK MANAGEMENT PROGRAM**

The performance standards outline in detail the elements of the risk management program. Some elements may not apply to all concession operations.

The park superintendent has the authority to select the elements which apply based upon the size and complexity of operation. For example, concession operations that are not complex in nature may need only a simple program to address necessary health and safety issues. A

larger, more complex operation may require a more comprehensive program. **The FIRST PRIORITY (A) elements cannot be waived.**

The concessioner will be required to develop a program which addresses the elements required by the superintendent.

#### **D. EMPLOYEE ACCIDENT/INJURY ANALYSIS**

An annual summary listing injury/accident types and employee lost days shall be provided to the park superintendent for analysis. The summary may include additional information as required by the superintendent. The summary will compare the present year to the same data from the previous year.

This information is only a tool to be used in the evaluation of the program. The statistics may point to trends over a multiple-year period. Use caution when analyzing this information, however; there may be other reasons not related to the safety program for a particular trend in accidents.

#### **E. INSPECTION AND EVALUATION RESPONSIBILITIES**

For purpose of this standard, an "inspection" is defined as a documented examination of all equipment, facilities, visitor activities and work processes to determine compliance with established safety and occupational health regulations. Inspections are conducted by the CONCESSIONER. Assistance in conducting inspection is available from state and federal OSHA offices, insurance companies, most fire departments (fire safety), county building inspectors and private consultants.

The year-end "evaluation" is defined as an annual onsite review by the NPS of the concessioner's safety program using NPS form 10-628, shown as Exhibit 1 to this chapter. This evaluation must be completed no later than the end of the concessioner's reporting year and will be used in determining the concessioner's annual Safety Rating on Form 10-629 (Concession Operational Performance Report). Narrative comments to justify the rating and to describe any successes and/or failures of the program are required on Form 10-630 (Concessioner Annual Contract Rating Report).

In determining whether a concessioner is meeting the elements of this standard, an on-site annual evaluation of the concessioner's risk management program will be conducted by a qualified NPS representative, coordinated through the park's concession management office. The concessioner will provide NPS access to its records, including any annual statistical information that may be required by the park superintendent.

As part of the evaluation, NPS personnel will conduct random on-site reviews of facilities and equipment to evaluate the effectiveness of the concessioner's own inspection program.

#### **F. ANNUAL EVALUATION FORM AND RATING**

The evaluation form contains six elements, each with specific standards. Each standard has an identified letter (A), (B), or (C) which signifies the weight of that standard.

(A) First Priority deficiencies. Conditions or practices which have the potential for or exert a significant impairment to the health or safety of visitors and/or employees.

- (B) Second Priority deficiencies. Conditions or practices which have the potential or exert a moderate impairment to the services essential to the health or safety of visitors and/or employees.
- (C) Third Priority deficiencies. Conditions or practices which have a potential for or exert a minor impairment to the services essential to the health or safety of visitors and/or employees.

The NPS evaluator will circle the item number of each standard that has been identified as part of the concessioner's risk management program. These are the items that will be evaluated.

If a meaningful deficiency is found during the evaluation, the evaluator will place a check mark after the standard in which the deficiency is found to exist. A "meaningful" deficiency is one that is important enough to impair a concessioner's ability to provide a safe and healthful environment, services or facilities for visitors and/or employees. All deficiencies require an explanation in appropriate detail in the narrative section of the form. A continuation sheet should be used if necessary.

In addition to reviewing the concessioner's documented program and conducting random inspections, the evaluator must also review the periodic operational performance evaluations conducted by the concession management staff. These evaluations for each service/facility contain a safety component, as well as field observations related to identification and abatement of hazards.

In order to provide flexibility in documenting deficiencies in an appropriate manner, the evaluator has discretion in assigning ratings to adjust the rating by one point. This will allow the evaluator to assess the seriousness of the situation at hand and either raise or lower the numeric rating by one point. The justification for adjusting the rating must be fully documented on the evaluation form.

The total number of A's, B's, and C's is then calculated and entered in the space provided at the bottom of the form. Regardless of the number of time a given standard is found deficient, it should be checked and counted only once. Ratings are determined by the number of A, B, or C standards found deficient, not by the number of occurrences under a specific standard.

Upon completing the annual evaluation, the NPS will analyze the data and assign a numerical rating based on the rating criteria set forth below.

## **SATISFACTORY**

<b>Numerical Rating</b>	<b>Explanation</b>
<b>5</b>	Always meets or exceeds standards. No First Priority (A), Second Priority (B), or Third Priority (C) deficiencies exist. Consistently provides a safe and healthful environment for all employees and visitors.
<b>4</b>	Almost always meets standards. No First Priority (A) deficiencies exist. No more than two Second Priority (B) and two Third Priority (C) deficiencies may exist. Provides a safe and healthful environment for all employees and visitors
<b>3</b>	Usually meets standards. One First Priority (A) deficiency may exist. No more than three Second Priority (B) and three Third Priority (C) deficiencies may exist. Meeting the minimum requirements of the risk management program.

## UNSATISFACTORY

### Numerical Rating

### Explanation

- |          |  |
|----------|--|
| <b>2</b> | Many major deficiencies exist. More than one First Priority (A) deficiencies and more than three Second Priority (B) deficiencies exist. Generally does not meet the standard. |
| <b>1</b> | Fails to meet the "2" level rating criteria. Overall performance is totally inadequate.  |

## **EXHIBIT 1 CONCESSIONER RISK MANAGEMENT PROGRAM PERFORMANCE STANDARDS**

### **Introduction**

The following general standards apply to almost all concession operations. There are, however, some instances where individual performance standards may not be applicable to the size and complexity of the concession operation. The park superintendent has the authority to select the elements which apply. First Priority (A) deficiencies may not be waived.

### **A. Documented Program**

1. Policy written and available to staff. (B)

- The policy states the concessioner's commitment to provide a safe and healthy environment for employees and visitors.
- At a minimum it will address procedures to identify and correct safety deficiencies, and measures to ensure safety awareness and training in hazards recognition.
- The policy will outline accountability and responsibility for management, supervisors, and employees.
- The policy is distributed to employees or is posted conspicuously.
- The scope and complexity of the program is commensurate with the size and type of operations and services being provided.
- Long-range goals and objectives to achieve a safe, healthful environment are formulated.

2. Safety and health official is designated. (B) or (C)

- The person with primary responsibility for managing the concessioner's risk management program is clearly identified.
- This person's responsibilities and authority are clearly stated.
- Sufficient documentation is provided to verify the designated safety and health official has carried out his/her assigned responsibilities; such documentation may include inspection reports, records of training sessions conducted/attended, accident/incident reports and follow-up, analysis of accident trends, etc.

3. Management and staff held accountable for compliance. (A)

- Supervisors are assigned the responsibility to conduct routine safety inspections of the assigned work areas, job sites, etc.
- Procedures to evaluate all employees on compliance with the concessioner's risk management program are identified.
- Employees are encouraged to report unsafe or unhealthy working conditions.

4. Sufficient funds and/or resources have been allocated to support the risk management program. (A)

- Adequate funds and/or other resources have been set aside to cover needs for staff, training, personal protective equipment, safety literature, and other recurring needs commensurate with the size and complexity of the concession operation.

5. Annual Goals and Objectives. (B) or (C)

- Specific goals and objectives are established annually for achieving a more safe and healthful work environment. These may be based on needs identified in prior reporting periods, e.g., specific goal for reducing back injuries, expanding safety segment of general orientation training for seasonal wait staff, housekeepers, and maintenance workers, purchase and use of an expanded safety videotape library, etc.

6. Program administration. (C)

- Safety and health information is available to all permanent and seasonal employees.
- OSHA "right to know" posters (OSHA 2203) are prominently displayed in areas frequented by staff.
- Summary of accidents/injuries listing total number and total lost-days are reported to NPS annually.
- Employees (and employee unions) have an involvement in the program via committees, suggestion programs, or other systems for reporting workplace hazards.

B. Inspections

7. Inspection schedule has been developed. (B)

- A schedule for inspecting all facilities, equipment, and public use areas has been developed.
- The frequency and timing of inspections for all facilities and equipment is identified and is commensurate with the complexity or seasonality of the operation.
- Any facilities or equipment requiring specialized safety inspections are identified and a schedule is established, e.g., in accordance with manufacturer recommendations, or governing or professional organization recommendations, etc.
- Inspections are conducted according to the established schedule.

8. Inspections are conducted as scheduled or required. (A)

- Procedures for documenting inspections, reporting hazards, etc., are established.
- Inspections are conducted as required.

9. Inspections conducted by person(s) trained and capable of recognizing and evaluating hazards. (B)

- Person(s) responsible to conduct the required inspections are identified.
- Individual(s) conducting inspections have the knowledge, skills and abilities to recognize, evaluate, and make recommendations for corrective actions.
- Person(s) are fully familiar with the operation being inspected and typical problems that might be associated with it.
- Person(s) conducting inspections understand and follow the established procedures for documenting and reporting hazards.
- Person(s) conduct inspection follow-up to ensure that hazards are abated within established time limits.



10. Inspections records kept for a minimum of three years. (C)

- All inspection records are kept for a minimum of three years, and must be made available to the Superintendent or his/her representative upon request.
- Such records must include the following information: date of inspection, name of facility/building, identified deficiencies/hazards, classification of deficiencies, abatement date or action plan to correct deficiencies, and name of person conducting inspection.

C. Deficiency Classification and Hazard Abatement Schedules

11. "Imminent danger" deficiencies abated or action plans developed within time limits.  
(A)

- Imminent danger is defined as a condition or practice with potential for loss of life or body part, permanent disability, and/or extensive loss of structure, equipment or material.
- Such deficiencies must be abated immediately. An example is a dangling power line.
- Abatement methods include correction of deficiency or other action to reduce risk temporarily to staff and visitors. If abatement cannot be immediately achieved, the facility or service must be closed.

12. "Serious hazard" deficiencies abated or action plans developed within time limits.  
(B)

- Serious hazard is defined as a condition or practice with potential for serious injury or illness resulting in temporary disability or property damage that is disruptive, but less severe than imminent danger. An example is an open trench in front of a public area.
- Such deficiencies should be abated within approximately 15 days or other reasonable time frame as established by the concessioner and approved by the NPS.
- Abatement methods include correction of deficiency or other action to reduce risk temporarily to staff and visitors. If abatement cannot be immediately achieved, the facility or service must be closed.

13. "Non-serious hazard" deficiencies abated or action plans developed within time limits.(C)

- Non-serious hazard is defined as a condition or practice with potential for minor nondisability injury or illness or nondisruptive property damage. An example is a minor tripping hazard.
- Such deficiencies should be abated within 45 days or a reasonable time frame as established by the concessioner and approved by the NPS.
- Abatement methods include correction of deficiency or other action to reduce risk temporarily to staff and visitors.

D. Accident Reporting and Investigation

14. Documented plan for reporting and investigating employee and visitor accidents/incidents.(B) or (C)

- Accident/incident reporting and investigation procedures are documented.
- Such procedures must include, but not be limited to, the types of accidents to be reported, the forms to be used to properly document accidents/incidents, the person(s) responsible for reporting and/or investigating accidents/incidents and for completing the forms, required time frames for reporting and documenting accidents/incidents, etc.
- Corrective action is taken to reduce or eliminate recurrence of accidents.
- Records are maintained verifying that accidents were reported and documented as required by the NPS, OSHA, Office of Worker's Compensation, etc.

15. All reportable accidents are being reported to NPS. (B)

- A Plan has been developed outlining procedures for accident reporting. Employees are aware of these procedures.
- Reportable accidents/incidents include any fatalities, visitor incidents with likelihood of a tort claim against the United States, and fires.
- Employees are aware of the type of accidents/incidents which must be reported to NPS.
- Such records should include date accident/incident was reported, to whom and by whom.

E. Public safety awareness and promotion

16. Communication of Activity-related hazards. (B)

- Activity related hazards, e.g., safety orientation for white-water rafting trips, horseback rides, etc., are effectively communicated to park visitors. (Note: This standard may not be applicable to operations that are normally low-risk, such as gift shops.) This element relates directly to the safety component in the "general standard" and any deficiencies noted in periodic operational evaluations of specific services.

17. Communication of resource-related hazards. (B)

- Resource hazards that exist within the scope of the concession operation, e.g., falling rocks, wild animals, lyme disease, trail or river conditions, hypothermia, etc., are effectively communicated to park visitors and staff.

E. Training

18. Training plan and accomplished training for supervisors.  
(B) or (C)

- A plan is established identifying the training requirements for all supervisors.
- Required subject matter and/or required training courses are identified and provided.
- All accomplished training is documented.

19. Training plan and accomplished training for safety and health official. (B) or (C)

- A plan is established identifying the training requirements for safety and health official(s).
- Required subject matter and/or required training courses are identified and provided.
- All accomplished training is documented.

20. Training plan and accomplished training for employees. (B) or (C)

- A plan is established identifying the training requirements for all employees.
- The plan includes safety training appropriate to the job being performed, as well as general safety information.
- Required subject matter and/or required training courses are identified and provided.
- All accomplished training is documented.

F. Emergency Procedures

21. Procedures are documented for all probable occurrences. (B)

- An emergency action plan is developed which identifies occurrence that will require specific procedures to be followed in the interest of life safety and/or property protection, e.g., earthquakes, floods, fires, bomb threats, etc.

22. Plans are coordinated with NPS. (B)

- The concessioner has coordinated all emergency action plans with the NPS.
- Plans are approved by the Superintendent.
- Plans are reviewed annually and updated as necessary.

23. Plans are distributed to employees or posted conspicuously. (B)

- Employees are familiar with emergency action plans and are aware of their individual responsibilities in implementing such plans.
- Procedures are practiced, if required.